IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5563 OF 2005

Hanumant Vishwanath Mohite ... Petitioner

V/s

1. The Managing Director,
Krishna Sah. Sakhar Karkhana Ltd.,
& 2 ors. ... Respondents

Mr. S. S. Pakale for the petitioner.

Mr. L.M. Acharya for the respondent No.1.

CORAM: P.V. KAKADE, J.

DATED: 16TH JANUARY, 2006

P.C.:

1. Heard learned counsel for both parties.

2. Rule. Rule made returnable forthwith.

3. The petitioner has filed this petition against the judgment and order passed by the Member, Industrial Court, Satara, dated 11.7.2005 deciding the Revision Application No. 29 of 2005 and partly allowing the same with direction to the Labour Court to decide the

preliminary objection raised by the petitioner and thereafter the application made by the complainant under Sec. 30(2) of the M.R.T.U. & P.U.L.P. Act, 1971 for interim relief in the light of the observations made in the order. Parties were directed to produce the entire material in support of their rival claims within one week from the date of appearance before the Labour Court on fixed date. It was also directed that it would be open for the Labour Court to call for further material from both parties, if the Court finds it necessary, and further it was directed to hear and decide the application for interim relief together with preliminary objections application as early as possible and preferably within a particular date.

4. On hearing both parties and perusing the record including the facts involved in the dispute, I do not see any reason to interfere in the order passed in the revision application as those appear to be just, legal and proper. The learned counsel for the petitioner submitted that such orders were not necessary and should not have been passed in such a manner. However, on perusal of the resonings adopted by the Member, Industrial Court, Satara, it appears that there is absolutely no perversity in the reasonings adopted by

the Labour Court. On the other hand, it would serve interest of both sides if the labour Court hear and decide the application for interim relief together with preliminary objection application as directed.

5. Under the circumstances, I am satisfied that no prejudice is caused to the petitioner and hence there is no merit in the petition. In the result, the petition stands dismissed with no order as to costs.

6. The Labour Court to comply with the order passed by the Member, Industrial Court, Satara so as to adjudicate the application for interim relief together with preliminary objection application within eight weeks from the date of receipt of writ of this Court.

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